

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

INDUSTRIA DE ALIMENTOS ZENÚ S.A.S.

Plaintiff/Counter Defendant,

v.

LATINFOOD U.S. CORP. d/b/a ZENÚ
PRODUCTS CO. and WILSON ZULUAGA,

Defendants/Counter Claimants/
Third Party Plaintiffs,

v.

CORDIALSA USA, INC.

Third Party Defendant.

Civil Action No. 2:16-cv-06576-KM-MAH

**DECLARATION OF LUIS IGNACIO SALAZAR IN SUPPORT OF INDUSTRIA DE
ALIMENTOS ZENÚ S.A.S. AND CORDIALSA USA, INC.'S
MOTION FOR SUMMARY JUDGMENT**

I, Luis Ignacio Salazar, make this declaration pursuant to 28 U.S.C. § 1746. I hereby declare as follows:

1. Except where otherwise stated, I make this declaration based on my personal knowledge.

2. I have been employed by Industria de Alimentos Zenú S.A.S. (“Industria”) since 2003. I am currently employed as Industria’s Commercial Manager and have held that position since 2015. My job responsibilities as Commercial Manager include managing all aspects of sales and marketing as well as product investigation and development. I was deposed in this case on April 11, 2019 as Industria’s 30(b)(6) witness. I have a general familiarity with Industria’s business records. I have reviewed each of the documents listed below and have developed an understanding of the nature and content of each document. Where necessary, I

have communicated with relevant personnel at Industria to confirm my understanding of a document.

3. Exhibit A attached hereto is a true and correct copy of an image depicting various Industria Zenú-marked products in their packaging.

4. Exhibit B attached hereto is a true and correct copy of an image depicting various Industria Zenú-marked pizza products in their packaging.

5. Exhibit C attached hereto is a true and correct copy of an image depicting Industria Zenú-marked “Tocineta Ahumada de Cerdo” in its packaging.

6. Exhibit D attached hereto is a true and correct copy of an image taken from Industria’s Ranchera website depicting an image of Ranchera-marked “Hamburguesa Preasada.”

7. Exhibit E attached hereto is a true and correct copy of an image taken from Industria’s Ranchera website depicting an image of Ranchera-marked “Chorizo Premium.”

8. Exhibit F attached hereto is a true and correct copy of an image taken from Industria’s Ranchera website depicting an image of Ranchera-marked “Salchicha Ranchera Mini.”

9. Exhibit G attached hereto is a true and correct copy of an image taken from Industria’s Ranchera website depicting an image of Ranchera-marked “Salchicha Ranchera.”

10. Exhibit H attached hereto is a true and correct copy of a report of the Superintendence of Industry and Commerce of Colombia, dated September 8, 2022, concerning the registration of Industria’s Zenú trademark.

11. Exhibit I attached hereto is a true and correct copy of a report of the Superintendence of Industry and Commerce of Colombia, dated September 8, 2022, concerning the registration of Industria’s Ranchera trademark.

12. Exhibit J attached hereto is a true and correct copy of a report of the Superintendence of Industry and Commerce of Colombia, dated September 8, 2022, concerning the registration of Industria's Zenú trademark.

13. Exhibit K attached hereto is a true and correct copy of a report of the Superintendence of Industry and Commerce of Colombia, dated September 8, 2022, concerning the registration of Industria's Ranchera trademark.

14. Exhibit L attached hereto is a true and correct copy of a report of the Superintendence of Industry and Commerce of Colombia, dated September 8, 2022, concerning the registration of Industria's Zenú trademark.

15. Exhibit M attached hereto is a true and correct copy of report of the Superintendence of Industry and Commerce of Colombia, dated September 8, 2022, concerning the registration of Industria's Zenú and Ranchera trademarks.

16. Exhibit N attached hereto is a true and correct copy of an invoice by Fresh Mark, Inc. to Industria, concerning the shipment of Zenú products to Bogota, Colombia.

17. Exhibit O attached hereto is a true and correct copy of an invoice by NCL Graphic Specialties, Inc. to Industria, concerning the shipment of Zenú products to Bogota, Colombia.

18. Exhibit P attached hereto is a true and correct copy of a letter of authorization by Seneca Foods Corp. to Industria, dated August 27, 2017.

19. Exhibit Q attached hereto is a true and correct copy of a certificate by Kantar Ibope Media Colombia, S.A.S, dated July 12, 2017, concerning expenditures made by Industria on advertisement of Zenú and Ranchera products.

20. Exhibit R attached hereto is a true and correct copy of a letter by Grupo DDB, dated July 28, 2017, concerning visitor traffic for Industria's websites for Zenú and Ranchera products.

21. Exhibit S attached hereto is a true and correct copy of an email from Meguel Moreno to Diego Medina, dated October 19, 2013, with the subject line: "Marca ilegal de Zenu en USA."

22. Exhibit T attached hereto is a true and correct copy of an image depicting Industria Zenú-branded "Chorizo con Ternera" in its packaging.

23. Exhibit U attached hereto is a true and correct copy of an image depicting Latinfood's Zenú-branded "Frijoles Antioquenos" products on a supermarket shelf, which was sent to Industria by Luis Alfonso Arango.

24. Exhibit V attached hereto is a true and correct copy of an image depicting Industria's Zenú-marked "Chorizo Mediano" in its packaging.

25. Exhibit W attached hereto is a true and correct copy of an image depicting Industria's Zenú-marked "Chile con carne de res" in its packaging.

26. Exhibit X attached hereto is a true and correct copy of an image depicting a Latinfood Zenú-marked "Frijoles Antioquenos" product sent to Industria by Luis Alfonso Arango.

27. Exhibit Y attached hereto is a true and correct copy of an image depicting Latinfood's Zenú-marked "Frijoles Antioquenos" products on a supermarket shelf, which was sent to Industria by Luis Alfonso Arango.

28. Exhibit Z attached hereto is a true and correct copy of a letter from Robert B. Siwerupski of the U.S. Customs and Border Protection to Ernest Jocson, dated January 12, 2011, “The tariff classification of canned beans from Colombia.”

29. Exhibit AA attached hereto is a true and correct copy of letters from Robert B. Siwerupski of the U.S. Customs and Border Protection to Ernest Jocson, dated December 21, 2010, regarding: “The tariff classification of prepared vegetables from Colombia.”

30. Exhibit BB attached hereto is a true and correct copy of a powerpoint presentation, dated January 27, 2011, with the file name: “Zenu frijoles blancos con tocino.pptx”

31. Exhibit CC attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated March 12, 2014, with the subject line: “Rm: Reunion con Luis Alfonso Arango.”

32. Exhibit DD attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Libia Eugenia Betancur Rendon, last email dated August 11, 2014, with the subject line: “Re: Rm: Sofia Express.”

33. Exhibit EE attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated March 5, 2014, with the subject line: “Re: Ventas Zenu.”

34. Exhibit FF attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated March 17, 2014, with the subject line “Re: Rm: Reunion con Luis Alfonso Arango – Cordialsa USA.”

35. Exhibit GG attached hereto is a true and correct copy of an email chain between Luis Arango Arango and Hernando Ramos Moreno, last email dated March 17, 2014, with the subject line: “Re: Rm: Fichas tecnicas empaque frijoles antioquenos.”

36. Exhibit HH attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Rosa Elena Otalvaro Benjumea, last email dated March 31, 2014, with the subject line: "Zenu USA."

37. Exhibit II attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated May 9, 2014, with the subject line: "Registro FDA Alimentos Carnicos."

38. Exhibit JJ attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated June 5, 2014, with the subject line "Re: Rm: Pruebas FDA."

39. Exhibit KK attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated May 9, 2014, with the subject line: "Zenu."

40. Exhibit LL attached hereto is a true and correct copy of a powerpoint presentation, dated August 12, 2014, with the file name: "Frijoles Antioquenos Zenu."

41. Exhibit MM attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Elena Bustamante Crump, last email dated May 31, 2014, with the subject line "RE: Contacto."

42. Exhibit NN attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Elena Butamente Crump, last email dated June 5, 2014, with the subject line "RE: Contacto."

43. Exhibit OO attached hereto is a true and correct copy of an email chain between Hernando Ramos Moreno and Luis Alfonso Arango, last email dated December 3, 2014, with the subject line: "Frijoles ZENU en USA y Adicional Rica Rondo."

44. Exhibit PP attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated December 3, 2014, with the subject line: “Re: Frijoles ZENU en USA y Adicional Rica Rondo.”

45. Exhibit QQ attached hereto is a true and correct copy of an email chain between Hernando Ramos Moreno and Luis Alfonso Arango, last email dated December 3, 2014, with the subject line: “Exhibicion completa de zenu en new York.”

46. Exhibit RR attached hereto is a true and correct copy of a screenshot taken of a report saved to Industria’s internal customer service portal summarizing a complaint that was made to an Industria customer service representative on September 11, 2014.

47. Exhibit SS attached hereto is a true and correct copy of a certified transcription of a phone call between Gloria Moreno and a Leon Perez, a customer service representative for Industria.

48. Exhibit TT attached hereto is a true and correct copy of a Facebook post by Juana Solorzano that was sent to Industria by its external advertising agency, Grupo DDB.

49. Exhibit UU attached hereto is a true and correct copy of the Declaration of Paula Vasquez, dated August 31, 2022.

50. Exhibit VV attached hereto is a true and correct copy of an email chain between Luis Alfonso Arango and Hernando Ramos Moreno, last email dated January 19, 2015, with the subject line: “RE: RM: Biennial Renewal Not Submitted.”

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 7 , 2022 in Medellín, Colombia.

By: 
Luis Ignacio Salazar